

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 3 and 5 - 13 are pending in the present application. By this response, claims 1 and 3 are amended, claims 5 - 13 are added, and claims 2 and 4 are cancelled. Claims 1, 3, and 5 are independent claims.

**Claim Rejections under 35 U.S.C. § 112**

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the term “similar device” in independent claim 1 is pointed out as being indefinite. Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Applicants hereby amend independent claim 1 to remove this term. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Claim Rejections under 35 U.S.C. §101**

Claims 3 and 4 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, claims 3 and 4 are rejected as attempting to claim software without a physical implementation. Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Applicants hereby amend independent claim 3 into a method claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102 – Bindner

Claims 1 – 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,574,340 to Bindner (“Bindner”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Bindner teaches a method for determining a parameter set for a hearing aid (Abstract). Specifically, Bindner teaches a system whereby a user may manipulate individual hearing aid settings via a control panel user interface on a computer, or may instead “call a macro that has been suggested as a reaction to a problem description.” (Col. 3, lines 54 -65).

Claim 1

Independent claim 1 pertains to equipment for fitting a hearing aid to the specific needs of a hearing-aid user. The equipment includes “a parameter selector that simultaneously selects and sets values for multiple different parameters relating to the processing of sound in the hearing aid to be programmed based on a single control indicator associated with a particular set of parameter values, wherein said parameters include a rationale, at least one time constant of compression, at least one setting related to vividness of automatic program shifts, at least one setting related to noise management, and at least one setting related to adaptive directionality.”

Bindner teaches either the individual setting of particular parameters, or the setting of overall parameter values for particular parameter types. As shown in Bindner’s Fig. 3, a user may set rationale-related parameters (Fig. 3, 58) or may set sound quality parameters (Fig. 3, 44)

or may set other, similarly related parameter groups. Setting any one of these parameters or parameter group values, however, has no effect on any other parameters. Applicants respectfully submit that Bindner does not disclose a parameter selector that allows for one-step configuration of a hearing aid by simultaneously selecting and setting values for multiple different parameters “based on a single control indicator associated with a particular set of parameter values” as required by independent claim 1.

### Claim 3

Independent claim 3 pertains to a method for fitting a hearing aid to the specific needs of a hearing aid user. The method requires, in pertinent part, “controlling different parameters of the hearing aid by controlling indicators of said parameters through a computer program that displays said indicators on a display device, said indicators including an indicator for simultaneous control of parameters including: a rationale, at least one time constant of compression, at least one setting related to vividness of automatic program shifts, at least one setting related to noise management, and at least one setting related to adaptive directionality of the hearing aid, where controlling said indicator for simultaneous control includes automatically determining and establishing values for all the parameters when the value of any one particular parameter is set via the indicator.”

Applicants respectfully submit that for at least the same reasons as set forth with respect to independent claim 1, Bidndner is deficient in its teaching with respect to independent claim 3. Specifically, Applicants respectfully submit that Bindner does not teach or suggest “an indicator for simultaneous control of parameters including: a rationale, at least one time constant of

compression, at least one setting related to vividness of automatic program shifts, at least one setting related to noise management, and at least one setting related to adaptive directionality of the hearing aid.” Each of the listed parameters is depicted, in Bindner, as being associated with a separate control indicator – both in the individual setting mode shown in Bindner’s Fig. 2 and in the group setting mode shown in Bindner’s Fig. 3.

Applicants further submit that Bindner does not teach or suggest a parameter control method that requires “automatically determining and establishing values for all the parameters via the indicator” as required by independent claim 3. As stated with respect to independent claim 1, Bindner does not allow for one-step configuration of a hearing aid through the use of a single indicator or control.

### Summary

At least in view of the above, Applicants respectfully submit that Bindner is deficient in its teaching with respect to independent claims 1 and 3. Applicants respectfully submit that Bindner does not teach or suggest a system or method that allows for one-step configuration of multiple, disparate hearing-aid parameters by setting a value for any one of the parameters. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102(e) – Lundh

Claims 1 – 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,321,662 to Lundh (“Lundh”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Lundh teaches a system and method for setting a rationale in a hearing aid based on the type of hearing loss suffered by the hearing-aid user. (Col. 2, line 34 – Col. 3, line 4). Lundh does not discuss any parameters or settings in a hearing aid other than the rationale (which is a term of art relating to gain and compression settings).

Independent claims 1 and 3 both require the setting of multiple different parameters, including “a rationale, at least one time constant of compression, at least one setting related to vividness of automatic program shifts, at least one setting related to noise management, and at least one setting related to adaptive directionality.” Insofar as Lundh is silent with respect to any parameters except the rationale, Applicants respectfully submit that Lundh is deficient in its teaching with respect to independent claims 1 and 3. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

Applicants respectfully submit that new independent claim 5 is allowable for at least the same reasons as set forth with respect to independent claim 3. Applicants further submit that

new claims 6 – 13 are allowable at least by virtue of their dependency from independent claims 1 and 3.

### **Conclusion**

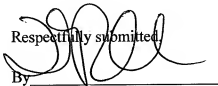
Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Thus, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is requested to contact Applicants' representative, Naphtali Y. Matlis (Reg. No. 61,592) at the telephone number of the undersigned in order to discuss the application and expedite prosecution.

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Respectfully submitted,



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